

MEMORANDUM

County of Placer Planning Department

TO: Honorable Board of Supervisors

FROM: Fred Yeager, Planning Director

DATE: October 6, 2004

**SUBJECT: Bickford Ranch Specific Plan, Development Agreement, Previously –
Certified Final Environmental Impact Report, and current EIR
Addendum (PDAG20040566)**

SUMMARY:

The Planning Commission has recommended approval of the proposed Bickford Ranch project subject to certain considerations.

BACKGROUND:

On September 23, 2004, the Planning Commission recommended approval (4:1) to the Board of the subject project which included the following actions:

- ◆ Consideration of the previously certified Final EIR and current EIR Addendum
- ◆ Approval of the Bickford Ranch Specific Plan, Design Guidelines, and Development Standards subject to certain recommended considerations.
- ◆ Approval of the Bickford Ranch Development Agreement

The Bickford Ranch Project is a large scale, mixed-use planned development including 1,880 residential units of varying densities and housing types, including an age-restricted component. The developer, Bickford Holdings LLC, Inc., also proposed to construct an 18 hole golf course with a driving range, 2 clubhouses, and 9.7 acres of retail/office uses. The project also includes 2 public sites, a fire station, sheriff's service station and a reserved elementary school site.

The applicant also proposes to close Clark Tunnel Road at the project's southerly and northerly boundaries, except for emergency vehicle access.

ANALYSIS:

The Planning Commission considered the proposed Bickford Ranch project at a public hearing on September 23, 2004.

Exhibit 3 contains the Planning Commission's staff report which provides a detailed summary of the proposed project and related issues.

CEQA COMPLIANCE:

The Placer County Board of Supervisors certified the Bickford Ranch EIR on December 18, 2001. The Bickford Ranch EIR analyzes the impacts of the project as described in the proposed Bickford Ranch Specific Plan, Development Standards, and Design Guidelines, dated August 17, 1999. It also analyzed certain modifications described in Chapter 2.0 of the EIR dated November 13, 2000. The Bickford Ranch EIR was certified by the Placer County Board of Supervisors (Resolution No. 2001-340) on December 18, 2001, at which time the Board also approved the Bickford Ranch Specific Plan, Development Standards and Design Guidelines. The Board also adopted a Statement of Findings, a Mitigation Monitoring Plan and a Statement of Overriding Considerations for the Bickford Ranch Specific Plan Project, including related entitlements, and a Development Agreement, after requiring changes to the project to reduce its environmental impacts. The Board's action requiring changes to the project did not result in new or greater environmental impacts than those impacts identified and analyzed in the Bickford Ranch EIR. The Board also adopted resolutions dealing with abandonment of one portion and closure of two other portions of Clark Tunnel Road. On October 21, 2003, the Board approved tentative maps for the project.

All of the foregoing actions were challenged in court. The Court determined that the Board's certification of the Bickford Ranch EIR was valid, but its approval of the Specific Plan, Design Guidelines, Development Standards, Development Agreement, adoption of mitigation measures, and the Mitigation Monitoring and Reporting Plan and resolutions pertaining to Clark Tunnel Road were invalid and consequently, ordered those actions to be rescinded. The judge ruled that the versions of the Specific Plan in the Administrative Record were uncertain because the final plan (as modified by the Board) was not originally included in the record. However, the Court determined that the Bickford Ranch EIR was adequate and did not order its certification rescinded. The Court also dismissed the challenges to the Bickford Ranch tentative maps.

On August 10, 2004 the Board complied with the Court's writ by rescinding its approval of the Specific Plan, Design Guidelines, Development Standards, Development Agreement, adoption of mitigation measures, Mitigation Monitoring and Reporting Plan, and the resolutions pertaining to Clark Tunnel Road. The Board of Supervisors may now reconsider adoption of the Specific Plan, Design Guidelines, Development Standards, Development Agreement, and the resolutions pertaining to Clark Tunnel Road. The previously-certified Bickford Ranch EIR, together with an EIR Addendum that has been prepared in compliance with CEQA requirements, permit the Board of Supervisors to consider such actions.

The EIR Addendum addresses the changes between the project evaluated in the certified EIR and the project described in the Specific Plan dated September 1, 2004, as well as other changes that have occurred with the passage of time. CEQA Guidelines Section 15164 requires preparation of an Addendum to a previously certified EIR where "...some changes or additions are necessary but none of the conditions described in CEQA Section 15162 calling for preparation of a subsequent EIR has occurred."

The EIR Addendum addresses several minor project changes that were not considered in the previously-certified Bickford Ranch EIR and considers any changed circumstances and new information that has become available since December 18, 2001. The subsequent project changes reduce the overall number of residential units, increase the amount of open space/recreation uses, and slightly increase the amount of commercial land over those numbers analyzed in the Bickford Ranch Final EIR. These changes are beneficial to wildlife resources by reducing the overall development area north of Bickford Ranch Road. This provides for a greater amount of contiguous habitat areas and a corresponding reduction in oak woodland removal along the ridgelines, which helps facilitate wildlife migration. The Addendum determines that there are no changes circumstances or new information that would warrant preparation of a supplemental EIR.

Planning Commission Recommendation: On September 23, 2004 the Planning Commission voted to support the proposed project subject to several concerns as summarized below.

1. Closure of Clark Tunnel Road

PC Action- Define when Clark Tunnel Road will be closed to prohibit construction traffic from accessing the project site through the existing Penryn Community.

Response- DPW is considering alternatives for road closure and working with the applicant to determine how to best accommodate this request. A response will be presented at the Board of Supervisors hearing.

2. Coordination of Trail Alignments

PC Action- Advisory Comment recommending that the routing of all new trail alignments be coordinated in the field with the Placer County Parks Department to ensure proper grading and connections with existing and potential new trails in the surrounding communities.

Response- Conditions of approval #'s 57-72 of the Vesting Small Lot Tentative Maps approved by the Board on October 15, 2003 provide for this detailed level of review.

3. Ground Water Monitoring Wells

PC Action- Advisory Comment recommending that the Placer County Division of Environmental Health regularly review the level of pollutants occurring based on the results of the project's ground water monitoring wells, and follow through with appropriate actions to ensure acceptable levels are maintained.

Response- Section 7.10.1 of the Bickford Ranch Specific Plan and Condition #37 of the Small Lot Vesting Tentative Map ensure that regular ground water monitoring occurs according to these standards. A groundwater monitoring plan will be prepared that

includes provisions for on-going maintenance and funding for the wells and assigns enforcement responsibility to the Bickford Ranch Homeowners Association. The DEH will review installation of the monitoring wells and review the baseline monitoring results as part of the project's improvement plan process.

4. School Site Donation

PC Action- Advisory Comment requesting the applicant to donate, rather than sell, the designated school site to the school district.

Response- The applicant is willing to set aside the 11-acre elementary school site for a 10 year period until such time as the school district can purchase the site. However, the applicant is not willing to donate the land to the school site.

5. Enforcement of Construction Hours

PC Action- Add a requirement indicating the enforcement actions to be taken by the County in the event the applicant fails to comply with Condition #27 of the Large Lot Vesting Tentative Map, and Condition #34 of the Small Lot Vesting Tentative Map pertaining to the project's construction hours limitations.

Response- Staff has recently prepared language to be used on other large-scale projects as follows:

In the event the County determines that a violation of this condition occurs on the project site, the applicant shall be issued a stop work order, by the Department of Public Works, prohibiting all construction on the site for one working day and shall be required to post security in a form acceptable in the sole discretion of the Planning and Public Works Directors, with the County in the amount of \$10,000 before work again commences on the site. The security shall guarantee that no future violations occur. The applicant, as the owner or representative of the owner, and holder of the permit, is responsible for all construction work occurring on the site of the project that is authorized by this permit. This includes all contractors, sub-contractors, builders, persons working on the site that are employed by others, etc.

In the event that a second violation is determined to have occurred, the security shall be forfeited to the County, a new security in the amount of \$50,000 shall be deposited, a new stop work order shall be issued prohibiting any work on the site for one week, and the applicant shall employ a person to be present on site for all hours during which work is prohibited. This person shall be given the authority by the owner to prohibit work from occurring in violation of the condition.

In the event a third violation is determined to have occurred, a stop work order shall be issued prohibiting any work on the site until such time as the Planning Commission determines the appropriate remedy for the ongoing violations and the \$50,000 security shall be forfeited.

An applicant may request an administrative hearing with the Planning and Public Works Directors in the event they wish to contest a determination that a violation has occurred. Such a request must be made within 10 days of a determination that a violation has occurred and such a hearing shall be scheduled within 5 days. Any funds deposited as security, and not forfeited at the completion of the project shall be refunded to the applicant.

The applicant is not in agreement with this additional condition.

6. Off-Site Affordable Housing

PC Action- Define when construction of the off-site affordable housing units must be completed.

Response- The Bickford Ranch Development Agreement defines when the project's on-site affordable housing units must be completed but does not include a similar provision for the off-site units. The applicant is not in agreement with this additional condition.

In addition, changes, the September 1, 2004 version of the Specific Plan has been updated to accurately reflect the unit totals in the Low Density and Medium Low Density residential land use categories. On the conceptual lotting plan, ten units were incorrectly counted as low density residential units instead of medium low density residential units. Table 3.1 Land Use Summary and Table 5.1 Residential Uses by Community of the Specific Plan have been revised to reflect these totals.

The final EIR Addendum has been updated to correct its Table of Contents and include updated traffic and water availability information. The Addendum also contains an updated Bickford Ranch Mitigation Monitoring and Reporting Program.

PCWA:

Phase 2 of the American River pump station project was sent out for bid. However, the bids exceeded the anticipated cost projections. As a result, the intake portion of the pump station project is being redesigned to reduce costs. The project should be re-bid in the Fall of 2005.

The delay to the construction of Phase 2 of the permanent American River pump project will not affect the water supplies for the Bickford project. Previously, Phase 2 was

scheduled for completion in 2005, it is now scheduled for completion in 2007 per the following:

2005- Continue to use the temporary pump (dismantled in the fall and put back on line in the spring)

2006- Use partially completed permanent pump with a temporary intake system

2007- Completion of permanent pump.

Bickford holds contracts with PCWA for the provision of raw water and an agreement with PCWA to convert its raw water entitlement to treated water. That treated water would be sufficient to serve approximately 970 homes.

The Bickford project is not proposing groundwater use at its project.

CEQA COMPLIANCE:

An Environmental Impact Report (EIR) Addendum has been prepared and finalized by staff pursuant to CEQA for the proposed project. The Bickford Ranch Final EIR, which the Board previously certified as complete and adequate, together with the EIR Addendum, must be considered by the Board in making its decisions on the Bickford Ranch project. Recommended Findings for this purpose are contained in Exhibit 7.

VOTE OF PLANNING COMMISSION:

On September 23, 2004 the Planning Commission voted (4:1) (Commissioner Judy Creek voted no, Commissioners Jim Forman & Larry Sevison absent) to recommend approval of the project with the revisions described above. However, the vote was not always unanimous on each of the above-described recommended revisions.

RECOMMENDATION:

This report provides background and factual information to the Board on the subject project as a basis for decision-making. The findings for approval upon which the Planning Commission based their decision are contained in Exhibit 7.

It is recommended the Board of Supervisors take the following actions:

1. Find that no supplemental or subsequent EIR to the previously certified Bickford Ranch Final EIR is required pursuant to CEQA and the County's Environmental Review Ordinance, and consider the information contained in the Final EIR and EIR Addendum, by adopting the findings contained within the attached resolution Exhibit 7.
2. Affirm the Planning Commission's recommendation and approve the proposed Specific Plan, Design Guidelines and Development Standards, as revised, by adopting the attached Resolution and Ordinance (Exhibits 8 and 12).
3. Affirm the Planning Commission's recommendation and approve the proposed Development Agreement by adopting the attached ordinance (Exhibit 13).

4. Related actions relative to Clark Tunnel Road are proposed and addressed in a separate memo.

Respectfully submitted,

FREDERIC K. YEAGER
FKY/GL:KH

EXHIBITS:

Exhibit 1 – Planning Commission Correspondence
Exhibit 2 – Planning Commission Action Agenda for 9/23/04
Exhibit 3 – Planning Commission Staff Report for 9/23/04 (Excluding Attachments G, H, I)
Exhibit 4 – DKS Memorandum dated October 6, 2004
Exhibit 5 – Penryn MAC Recommendation 9/16/04
Exhibit 6 – Development Agreement
Exhibit 7 – Draft Resolution – Final EIR and EIR Addendum
Exhibit 8 - Draft Resolution Specific Plan and Design Guidelines
Exhibit 9 - Draft Resolution Abandonment of Clark Tunnel Road (portion)
Exhibit 10 - Draft Resolution Closure and Barricading of Northern Portion of Clark Tunnel Road
Exhibit 11 - Draft Resolution Closure and Barricading of Southern Portion of Clark Tunnel Road
Exhibit 12 – Draft Ordinance Development Standards
Exhibit 13 - Draft Ordinance Development Agreement

Under Separate Cover:

Specific Plan (includes correction to Tables 3.1 and 5.1)

Design Guidelines

Development Standards

Final EIR and EIR Addendum

PCWA Urban Water Management Plan

PCWA Surface Water Supply Update for Western Placer County, March 2001

Portions of the record of the Board's prior approval of the Bickford Ranch Large and Small Lot Vesting Tentative Maps, with conditions, are available for review in the Clerk of the Board's Office, including: Staff Memo with exhibits B & C (with attachments A-I only); Small & Large Lot Tentative Maps; Development Standard Figures; Design Guidelines; and Specific Plan Figures.

cc: George Phillips - Applicant
GW Consulting - Engineer
Rural Lincoln MAC
Penryn MAC
Newcastle Ophir MAC

v:\plus\pIn\kathi\Bickford bos staff report memo

COPIES SENT BY PLANNING:
William Moore - Public Works
Wes Zicker – Public Works
Mike Foster – Public Works
Allison Carlos - Environmental Health Services
Dave Vintze - Air Pollution Control District
John Ramirez - Parks Department
David Breninger – PCWA
Loomis School District
Penryn Unified School District
West Placer Unified School District
Placer Joint Union High School District
Scott Finley - County Counsel
Holly Heinzen – CEO's Office
Fred Yeager - Planning Director
Mike Boyle, Emergency Services
Greg Guyan, CDF
John Marin, BOS
Penryn Fire District
Deborah Cubberly, LAFCO
Anita Yoder, PIO
Denise Heick, URS
Kathy Kerkus, Town of Loomis
City of Lincoln
Terry Davies, Sierra Club
Army Corps of Engineers
USFWS
DFG
Terry Richardson – City of Rocklin
File